

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL A. BURNHART

Plaintiff,

v.

ROBERT MASKO,

Defendant

Case No. C07-5045FDB

ORDER GRANTING PLAINTIFF'S
MOTION FOR A CONTINUANCE

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Before the court is plaintiff's motion asking for an extension of time to respond to the court's order to show cause (Dkt # 19).

This action was commenced on January 31, 2007. The application to proceed *in forma pauperis* was deficient. It was not until March 13, 2007 that the court was able to grant plaintiff's application. The court ordered plaintiff to amend the complaint and plaintiff did not do so in a timely manner. A Report and Recommendation to dismiss was entered (Dkt # 10). Plaintiff moved for an

ORDER

1 extension of time and the District Court granted that motion (Dkt # 12). An amended complaint was
2 eventually filed. The court then had to order plaintiff to provide service documents (Dkt # 14).
3 When those documents arrived, the court was able to order service be attempted by mail (Dkt # 15).
4 The order to serve was entered in July of 2007.

5 Counsel for defendants has entered a notice of unavailability but has not appeared or filed an
6 answer (Dkt. # 16). The attempt to serve by mail was returned for "insufficient address."

7 On November 20, 2007, the court entered an order to show cause as it appeared no activity
8 was taking place in this action. Plaintiff now seeks yet another extension of time (Dkt # 19).

9 Plaintiff's motion is **GRANTED**. Plaintiff has until **February 15, 2008** to file a response.
10 There will be no further continuances.

11 The Clerk is directed to send a copy of this Order to plaintiff and note this matter for
12 **February 15, 2008.**

13 DATED this 9 day of January 2008.

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15 /S/ J. Kelley Arnold

16 J. Kelley Arnold

17 United States Magistrate Judge
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28 ORDER